

2



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,808	10/01/2001	Michael Pocock		3641
52546	7590	03/23/2006		
MIKE POCOCK 485 QUEENS AVENUE LONDON, ON N6B-1Y3 CANADA			EXAMINER BROWN, RUEBEN M	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 03/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/965,808		POCOCK, MICHAEL	
	Examiner		Art Unit	
	Reuben M. Brown		2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 09 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larsen, (U.S. Pat # 5,539,635), in view of Hirata, (U.S. Pat # 5,280,642).

Considering claim 1, the claimed method to identify radio or TV broadcasts through the combination of geographic ID and a broadcast ID, is met by the combination of Larsen & Hirata.

Art Unit: 2611

Regarding the claimed step of:

‘digitally storing in a database geographic ID codes associated with an area or location of a radio or TV broadcast signal, such that the database stores data representing at least one broadcast identifier associated with a radio or TV broadcast signal’, reads on the combination of Larsen & Wegrzynowicz. In particular, Larsen teaches storing in a database 64, at a radio program distribution system 8, the broadcast ID of a range of radio programs, and corresponding channels/frequency, Fig. 1; Abstract & col. 3, lines 5-35.

However, even though Larsen teaches receiving the Caller-ID, the reference does not teach storing a geographic ID of the radio broadcast signal. Nevertheless, Wegrzynowicz discloses a system wherein when a customer dials a “1-800” number, the system receives the area code and phone number of the calling party in order to direct the customer to the list of providers that services the instant subscriber’s area, see Abstract & col. 4, lines 1-12.

Wegrzynowicz operates by routing the customer to a second database that contains dealers in the same local area as the instant customer, which reads on the claimed subject matter, col. 4, lines 30-60; col. 5, lines 1-40 & col. 6, lines 1-45. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Larsen with the technique of sorting providers, including broadcasters based on their geographical location, at least for the improvement of allowing customer’s to dial a single “1-800” number, but to access providers that are local to the customer, as taught by Wegrzynowicz, col. 1, lines 10-22.

Art Unit: 2611

‘receiving user related information, such that the user related information comprises geographic ID and a broadcast ID, reads on the combination of Larsen & Wegrzynowicz, using ANI, which identifies the PSTN address of the user, along the inputting the broadcast ID, (Larsen) Abstract; col. 2, lines 52-67 & col. 6, lines 8-28 & (Wegrzynowicz) col. 6, lines 1-45.

‘communicating the user related geographic ID information into the database to create a subset of data, which comprises data representing at least one broadcast identifier, and identifying the radio or TV broadcast from the subset, reads on the discussion in Wegrzynowicz that based on the ANI of the calling party (which reads on the claimed geographical ID), the system connects the customer to the database that contains providers that correspond to the customer’s geographical area.

Considering claims 2-3, the Larsen teaches using touchtone technology to input the data needed by the system to process the user’s request, col. 5, lines 1-30. As for claim 3, the digital data representing telephone keypad numbers reads on the disclosure in Wegrzynowicz that the calling party’s telephone number is used to generate a list of providers local to the instant telephone number.

Considering claims 4-6, subset and indexing of broadcaster information reads on the creating lists of broadcaster according to similarities, Larsen, col. 5, lines 40-67 & Wegrzynowicz, see col. 5, lines 22-30 & col. 6, lines 1-45. As for claim 6, the claimed program

Art Unit: 2611

schedule information reads on the Larsen, since the system allows programs to be accessed according to time and date, see col. 5, lines 22-35.

Considering claims 7-12, 15 & 23-27, the combination of Larsen & Wegrzynowicz teaches indexing broadcasters, according to geographical information, which requires the transmission/reception of program description, col. 3, lines 25-45 & col. 5, lines 35-67.

Considering claims 13 & 17-18, the geographic ID in Larsen & Wegrzynowicz corresponds with the telephone number, col. 6, lines 8-20.

Considering claim 14, Larsen teaches that the invention is operable in a CATV environment, which would then provide the converter address as geographic information, col. 2, lines 65-67 thru col. 3, lines 1-5. Official Notice is taken that at the time the invention was made, it was known in the art to provide programming to customers' based on the STB ID or address. It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combination of Larsen & Wegrzynowicz, by using the STB address to limit the list of potential providers, at least for the desirable advancement of utilizing a networking system other than the PSTN disclosed in Larsen & Wegrzynowicz.

Considering claim 16, the area code and 7 digit phone number in Wegrzynowicz determines the local area or region, col. 1, lines 40-55.

Considering claim 19, the instant claim corresponds with subject matter mentioned above in the rejection of claim 1, and are likewise treated. Except that the instant claim recites “receiving a network address”, which corresponds with receiving the caller-ID (i.e., phone number) of the customer, as disclosed in Larsen & Wegrzynowicz.

Considering claim 20, the claimed elements of a computer-implemented information system to identify a radio or TV broadcast, comprising features that correspond with subject matter mentioned above in the rejection of claim 1, are likewise treated. The additionally claimed processor reads on the combination of the Request Processing Unit 10 of Larsen, (Fig. 1) and the OSO/ACP 110, discussed in Wegrzynowicz, col. 3, lines 55-65 thru col. 4, lines 1-45.

Considering claim 21, the claimed feature of inputting the geographic ID code and the broadcast ID code separately, is broad enough to read on the user inputting the requested broadcast station and the system using the ANI technology to determine geographic information, as disclosed in Wegrzynowicz.

Considering claim 22, geographic ID comprising user related network address reads on the telephone number, which is the user's address on the PSTN network.

Art Unit: 2611

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7290 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown


REUBEN M. BROWN
PATENT EXAMINER